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APPLICATION NO.:	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,208	04/14/2004	Quenton L. Gilbert	C02-0005-001	6064
52246 7590 12/19/2007 PARKS KNOWLTON - C001 1117 PERIMETER CENTER WEST SUITE E402 ATLANTA, GA 30338			EXAMINER HASHEM, LISA	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 12/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/824,208	Applicant(s) GILBERT, QUENTON L.	
	Examiner Lisa Hashem	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10-23-07</u> . | 6) <input type="checkbox"/> Other: _____ |

FINAL DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-9 and 11-20 in the Amendment filed on 10-01-2007 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 5 is objected to because of the following informalities: Claim 5 recites the limitation "the text format". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 and 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez, in view of U.S. Pat. No. 6,496,693 by Tran.

Regarding claim 1, Rodriguez discloses a method of routing a text message to an alternate destination (i.e. i.e. pager, alternate location, device with email capability) associated with a called party where a first destination (Fig. 1, 120) is unavailable (col. 3, lines 35-45; col. 4, line 44 – col. 5, line 30) comprising the steps of:
storing and maintaining a database of information (Fig. 4, 420) provided by the called party (col. 4, lines 20-38; col. 6, line 66 – col. 7, line 14) including: a plurality of alternate destinations

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associated with a plurality of different types of alternate destination devices (i.e. pager, alternate location, device with email capability); routing information (i.e. pager number, email address) corresponding to each alternate destination;

receiving a call to the first destination associated with a called party initiated by a calling party, wherein the first destination is unavailable (col. 3, lines 35-45; col. 4, line 44 – col. 5, line 30); based on the unavailability of the first destination, requesting a voice message from the calling party (col. 3, lines 46-65; col. 4, line 44 – col. 5, line 30);

receiving the voice message provided by the calling party (col. 4, lines 20-38; col. 7, line 2-14); converting the voice message into a text message (col. 6, line 66 – col. 8, line 3);

searching the database to locate routing information particular to at least one destination device selected by the called party (col. 4, lines 20-38; col. 7, lines 2-14);

retrieving the routing information from the database for the selected alternate destination device associated with the alternate destination of the called party;

formatting the text message in the text format (i.e. digital message; email message) required by the at least one selected alternate destination device (col. 2, lines 54-57; col. 4, lines 20-38); and forwarding the formatted text message to the alternate destination associated with the selected alternate destination device of the called party (col. 6, line 66 – col. 8, line 3).

Rodriguez clearly discloses routing a text message to an alternate destination associated with a called party where a first destination is unavailable and a database including routing information associated with alternate destinations in a user profile of the called party. However, Rodriguez does not disclose storing text formatting information for each alternate destination device in the database.

Tran discloses a method of routing a text message to an alternate destination associated with a called party where a first destination (i.e. telephone of a called party) is unavailable (col. 1, lines 16-26) comprising the steps of:

storing and maintaining a database (Fig. 3, 302; Fig. 7, Fig. 8) of information (i.e. choosing media for a message in a recipient profile) provided by the called party (col. 5, line 56 – col. 6, line 2) including: a plurality of alternate destinations associated with a plurality of different types of alternate destination devices (i.e. pager, cell phone, or advanced pager; Fig. 8; col. 5, lines 28-44); and text formatting information (i.e. text with formatting instructions, voice and text, voice first/text second, and message in voice/sender's phone number in text) associated with each type of the plurality of different types of alternate destination devices;

receiving a call to the first destination (i.e. telephone) associated with a called party initiated by a calling party, wherein the first destination is unavailable;

based on the unavailability of the first destination, requesting a voice message from the calling party (i.e. contacting a pager system to send a page to a called party; receiving a recorded voice message from the calling party) (col. 1, lines 16-26; col. 3, lines 18-43; col. 4, lines 42-59);

receiving the voice message provided by the calling party (col. 3, lines 18-43; col. 4, lines 42-59);

converting the voice message into a text message (col. 4, line 60 – col. 5, line 2; col. 5, line 28 – col. 6, line 21; col. 6, lines 36-55);

searching the database to locate text formatting information (Fig. 7) particular to at least one destination device selected by the called party (col. 5, lines 45 – col. 6, line 21);

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retrieving the text formatting information from the database for the selected alternate destination device associated with the alternate destination of the called party (col. 6, lines 22-62); formatting the text message in the text format required by the at least one selected alternate destination device (col. 2, lines 54-57; col. 5, line 45 – col. 6, line 62); and forwarding the formatted text message to the alternate destination associated with the selected alternate destination device of the called party (col. 6, lines 22-62).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Rodriguez to include storing text formatting information for each alternate destination device in the database as taught by Tran. One of ordinary skill in the art would have been lead to make such a modification to store different text formatting information associated with each different destination device in order to automatically route a text message to a called party since a determination can be made how to format a message is available without prompting a calling party.

Regarding claim 2, the method of Claim 1, wherein Rodriguez in view of Tran discloses the plurality of alternate destination devices are capable of receiving text messages (Rodriguez: col. 3, lines 54-56; col. 6, line 66 – col. 8, line 3; Tran: col. 5, lines 45 – col. 6, line 21; Fig. 7; Fig. 8).

Regarding claim 3, the method of Claim 2, wherein Rodriguez in view of Tran discloses the plurality of alternate destination devices can be any one of a paging device, a mobile telephone, an electronic mail device, a facsimile machine, a modem, or a computer (Rodriguez: col. 6, line 66 – col. 8, line 3; Tran: Fig. 8).

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Regarding claim 4, the method of Claim 1, wherein Rodriguez in view Tran discloses further comprising the step of receiving additional information from the calling party (Rodriguez: col. 3, lines 35-65; Tran: col. 4, lines 42-59; col. 5, line 56 – col. 6, line 2).

Regarding claim 5, the method of Claim 4, wherein Tran discloses the additional information comprises routing information of the alternate destination associated with the called party (col. 4, line 42 – col. 5, line 27).

Regarding claim 6, the method of Claim 4, wherein Rodriguez in view of Tran discloses the additional information comprises an identification of the calling party (Rodriguez: col. 4, line 61 – col. 5, line 30; Tran: col. 4, line 65 – col. 5, line 2).

Regarding claim 7, the method of Claim 1, wherein Rodriguez discloses the requesting step is performed in response to a Busy/No Answer trigger (col. 3, lines 35-45).

Regarding claim 8, the method of Claim 1, wherein Rodriguez discloses further comprising the step of receiving routing information of the alternate destination from the called party (col. 6, line 66 – col. 8, line 3).

Regarding claim 9, the method of Claim 1, wherein Rodriguez in view of Tran discloses further comprising the step of disconnecting the calling party after receiving the voice message provided by the calling party (Rodriguez: col. 4, line 44 – col. 5, line 30; Tran: col. 5, lines 3-27; col. 6, lines 23-35; col. 6, lines 56-62).

Regarding claim 11, the method of Claim 1, wherein Rodriguez in view of Tran discloses further comprising the step of receiving a personal identification number, wherein the personal identification number determines which one of the plurality of alternate destination

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communication devices comprises the alternate destination (Rodriguez: col. 2, lines 54-64; col. 6, lines 16-27; Tran: col. 4, line 42 – col. 5, line 27).

Regarding claim 12, Rodriguez discloses a system of routing a text message to an alternate destination (i.e. i.e. pager, alternate location, device with email capability) associated with a called party where a first destination (Fig. 1, 120) is unavailable (col. 3, lines 35-45; col. 4, line 44 – col. 5, line 30) comprising the steps of:

a first switch (Fig. 1a, 110) for receiving a call to a first destination associated with a called party initiated by a calling party, wherein the first destination is unavailable (col. 3, lines 35-45; col. 4, line 44 – col. 5, line 30);

a network element (Fig. 1a, 140), coupled to the first switch, for requesting a voice message from the calling party based on the unavailability of the first destination and receiving the voice message provided by the calling party (col. 3, lines 35-45; col. 4, line 44 – col. 5, line 30);

receiving the voice message provided by the calling party (col. 3, lines 46-65; col. 4, line 44 – col. 5, line 30);

a voice recognition means, coupled to the network element (col. 7, lines 30-35), for converting the voice message into a text message based on determining an appropriate text format (i.e. digital message; email message) required by the alternate destination (col. 4, lines 34-38; col. 6, line 66 – col. 8, line 3),

a database (Fig. 4, 420) (col. 4, lines 20-38; col. 6, line 66 - col. 7, line 14) for retaining and selecting information provided by the called party including a plurality alternate destinations (i.e. alternate locations) associated with a plurality of different types of alternate destination devices (i.e. pager, device with email capability, alternate location) and routing information (i.e. pager

number; email address) associated with each type of alternate destination communication device (i.e. pager, device with email capability, alternate location), the routing information for each communication device including:

a list of directory numbers (i.e. in the user profile of the called party) for corresponding alternate destination communication devices (col. 7, lines 2-14);

the system further comprising

a second switch (Fig. 1b, 150), coupled to the network element, wherein the network element forwards the appropriately formatted text message to at least one alternate destination selected by the called party via the second switch (col. 6, line 66 – col. 8, line 3).

Rodriguez clearly discloses routing a text message to an alternate destination associated with a called party where a first destination is unavailable and a database including routing information associated with alternate destinations in a user profile of the called party. However, Rodriguez does not disclose formatting information for each alternate destination device.

Tran discloses a system of routing a text message to an alternate destination associated with a called party where a first destination (i.e. telephone of a called party) is unavailable (col. 1, lines 16-26) comprising the steps of:

a first switch (Fig. 2, 200) for receiving a call for a called party initiated by a calling party, wherein the first destination is unavailable (i.e. contacting a pager system to send a page to a called party) (col. 1, lines 16-26; col. 3, lines 18 - col. 4, line 9);

a network element (Fig. 3, 300), coupled to the first switch, for requesting a voice message from the calling party based on the unavailability of the first destination and receiving the voice message provided by the calling party (col. 3, lines 18-43; col. 4, lines 20-59);

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receiving the voice message provided by the calling party (col. 3, lines 18-43; col. 4, lines 42-59);

a voice recognition means (i.e. speech synthesis technology), coupled to the network element, for converting the voice message into a text message based on determining an appropriate text format required by the alternate destination (col. 4, lines 20-41; col. 4, line 60 – col. 5, line 2; col. 5, line 28 – col. 6, line 21; col. 6, lines 36-55),

a database (Fig. 3, 302; Fig. 7, Fig. 8) for retaining and selecting information provided by the called party (col. 5, line 56 – col. 6, line 2) including a plurality alternate destinations associated with a plurality of different types of alternate destination devices (i.e. pager, cell phone, or advanced pager; Fig. 8, col. 5, lines 28-44), the information for each communication device including:

formatting information (Fig. 7), the formatting information comprising an appropriate text format (i.e. text with formatting instructions, voice and text, voice first/text second, and message in voice/sender's phone number in text) required for each communication device selectable as the alternate destination and retrieved by the voice recognition means (col. 5, line 45 – col. 6, line 62); the system further comprising

a second switch (Fig. 3, 302), coupled to the network element, wherein the network element forwards the appropriately formatted text message to at least one alternate destination selected by the called party via the second switch (col. 4, lines 20-41; col. 4, line 60 – col. 5, line 2; col. 6, lines 22-62).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Rodriguez to include formatting information for each alternate

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destination device as taught by Tran. One of ordinary skill in the art would have been lead to make such a modification to store different text formatting information associated with each different destination device in order to automatically route a text message to a called party since a determination can be made how to format a message is available without prompting a calling party.

Regarding claim 13, the system of Claim 12, wherein Rodriguez in view of Tran discloses the network element (Rodriguez: Fig. 1a, 140; Tran: Fig. 3, 300) inherently comprises a service node (Rodriguez: col. 3, line 35 – col. 4, line 38; Tran: col. 4, lines 20-41).

Regarding claim 14, the system of Claim 12, wherein Rodriguez in view of Tran discloses the alternate destination is a communication device capable of receiving text messages (Rodriguez: col. 3, lines 54-56; col. 6, line 66 – col. 8, line 3; Tran: col. 2, lines 54-57; col. 5, line 28 – col. 6, line 21; col. 6, lines 36-55).

Regarding claim 15, the system of Claim 14, wherein Rodriguez in view of Tran discloses the communication device can be any one of a paging device, a mobile telephone, an electronic mail device, a facsimile machine, a modem, or a computer (Rodriguez: col. 6, line 66 – col. 8, line 3; Tran: Fig. 8).

Regarding claim 16, the system of Claim 12, wherein Rodriguez in view of Tran discloses the network element further performs the function of receiving additional information from the calling party (Rodriguez: col. 3, lines 35-65; Tran: col. 4, lines 42-59; col. 5, line 56 – col. 6, line 2).

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Regarding claim 17, the system of Claim 16, wherein Rodriguez in view of Tran the additional information comprises an identification of the calling party (Rodriguez: col. 4, line 61 – col. 5, line 30; Tran: col. 4, line 65 – col. 5, line 2).

Regarding claim 18, the system of Claim 16, wherein Tran discloses the additional information comprises routing information of the alternate destination associated with the called party (col. 4, line 42 – col. 5, line 27).

Regarding claim 19, the system of Claim 12, wherein Rodriguez discloses the network element receives routing information of the alternate destination from the called party and stores the routing information in the database (col. 6, line 66 – col. 8, line 3).

Regarding claim 20, the system of Claim 12, wherein Rodriguez in view of Tran discloses the network element disconnects the calling party after receiving the voice message provided by the calling party (Rodriguez: col. 4, line 44 – col. 5, line 30; Tran: col. 5, lines 3-27; col. 6, lines 23-35; col. 6, lines 56-62).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

7. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

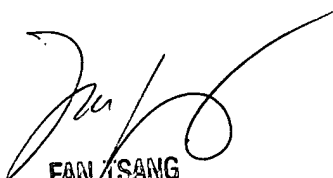
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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh

December 12, 2007


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